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2005/05/03

Andrew Barnsdale, CPUC
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104

Comments regarding the Draft Environmental Impact Report, Diablo Canyon Nuclear Power Plant Steam Generator Replacement Project

Application No. A.04-01-009 SCH No. 2004101001

Dear Mr. Barnsdale:

I am writing in support of the comments submitted by the San Luis Obispo Mothers for Peace (MFP) and its joint parties. Specifically, I emphasize the following:

1. California Environmental Quality Act (CEQA) requires that an Environmental Impact Report (EIR) "necessarily involves some degree of forecasting," and that "an agency must use its best efforts to find out and disclose all that it reasonably can." Furthermore, the agency cannot reach a determination of "too speculative for evaluation" without conducting a "thorough investigation." (CEQA Guideline 15144)

The Draft EIR is deficient because it dismisses the likelihood that Pacific Gas and Electric Company (PG&E) will extend its operating license. It considers this issue "speculative" (D.1-2) and thus does not include accumulated environmental impacts that will likely occur in the years beyond 2025. This is a fatal flaw of the Draft EIR, for it provides a deceptive and incomplete picture of the probable environmental impacts.

The Draft EIR acknowledges that the Steam Generator Replacement Project (Project) may provide an "incentive" for PG&E to seek a license renewal. (D.1-2). In its scoping comments, PG&E agreed that the Project "could provide an incentive for extending the operable life of the nuclear facility beyond its current license." (p.9) The Nuclear Regulatory Commission (NRC) has already granted PG&E authorization to build a facility to store enough high level radioactive waste on site to allow operation through an extended licensing period. Despite these "clues," the Draft EIR denies an obvious outcome of the Project and thus fails to comply with CEQA, for it does not provide an analysis of its conclusion that a license renewal is "speculative."

The Draft EIR should consider the scenario of a license renewal and add its significant environmental effects – additional years of accumulated high level radioactive waste, marine degradation, seismic risk, terrorist threat, and the effects of prolonged operation on public safety and the environment.

2. CEQA requires the CPUC to consider the information in the EIR prior to reaching any decisions on the Project. According to a Supreme Court decision, "A fundamental purpose of an EIR is to provide decision makers with information they can use in deciding whether to approve a proposed project, not to inform them of the environmental effects of projects that they have already approved." (Laurel Heights Improvement Assn v. Regents

of University of California, 47 Cal.3d 376, 394 (1988)) The CPUC, however, has already issued an Interim Decision – and did so before the Draft EIR had even been issued. I support the MFP finding that this defies CEQA law and undermines public confidence in the CPUC process.

3. The Draft EIR consideration of alternatives is impermissibly narrow and superficial. Considering environmentally superior alternatives is at the heart of CEQA, and this Draft EIR pays mere lip service to options available to the CPUC.

The State's energy policy requires that utilities consider a wide range of options for meeting future energy needs. The CPUC judge in the long-term resource planning case (A.04-04-003) specifically ordered PG&E to consider a future without Diablo Canyon Nuclear Power Plant (DCNPP); it was to analyze realistic options for meeting its customers' electricity needs should DCNPP cease to operate by 2014. PG&E has not taken this order seriously, and the Draft EIR does not even mention that this long-term planning process is underway despite the fact that MFP et al's comments on the CPUC's EIR Notice of Preparation contained extensive information about this case and its relevance to the DCNPP Steam Generator Replacement Project.

The failure to compare the environmental impacts of alternatives to DCNPP's operation beyond 2014 is a glaring deficiency of the Draft EIR. The report is legally inadequate because it does not comply with CEQA's requirement to provide a detailed analysis of possible alternatives.

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In summary, I support all comments by MFP and joint parties in response to the Draft EIR. I concur that the Draft EIR does not comply with CEQA and does not provide an adequate basis for action by the CPUC on the Project application. The Draft EIR must be redrafted to correct its deficiencies and recirculated for public review and comment.

Sincerely,

Alexis Olds

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Barry Dorfman

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Carrie Foster Evans

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The Draft EIR should consider the scenario of a license renewal and add its significant environmental effects – additional years of accumulated high level radioactive waste, marine degradation, seismic risk, terrorist threat, and the effects of prolonged operation on public safety and the environment.

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The State's energy policy requires that utilities consider a wide range of options for meeting future energy needs. The CPUC judge in the long-term resource planning case (A.04-04-003) specifically ordered PG&E to consider a future without Diablo Canyon Nuclear Power Plant (DCNPP); it was to analyze realistic options for meeting its customers' electricity needs should DCNPP cease to operate by 2014. PG&E has not taken this order seriously, and the Draft EIR does not even mention that this long-term planning process is underway despite the fact that MFP et al's comments on the CPUC's EIR Notice of Preparation contained extensive information about this case and its relevance to the DCNPP Steam Generator Replacement Project.

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Sincerely,

Geoff Godfrey

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Arroyo Grande, 93420 CA
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2005/05/03

Andrew Barnsdale, CPUC
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104

Comments regarding the Draft Environmental Impact Report, Diablo Canyon Nuclear Power Plant Steam Generator Replacement Project

Application No. A.04-01-009 SCH No. 2004101001

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